


Memorandum



Date: January 16, 2014

To: Honorable Xavier L. Suarez
Commissioner, District 7

From: Carlos A. Gimenez
Mayor 

Subject: Absentee Ballot Requests

Thank you for your memorandum of January 6, 2014 regarding absentee ballot requests. As you correctly note in your memo, this is a complicated and serious legal matter that lies within the discretion of the Supervisor of Elections, Penelope Townsley. I have made it clear to her that I rely on her to maintain the integrity of all aspects of our electoral process.

Recently, the Secretary of State issued an advisory opinion to Ms. Townsley highlighting Section 101.62 of the Florida Statutes, reaffirming the requirement that any information she receives as part of a request for an absentee ballot that she deems necessary to process that request is both "confidential and exempt" from disclosure under the public records laws.

Since the August 2012 election, Ms. Townsley has instituted additional security measures to insure that all incoming absentee ballot requests are made in accordance with Florida Law. Part of these new security measures includes the capture of Internet Protocol (IP) addresses. After reviewing the policies and procedures, it is clear that the collection of IP addresses is a critical and important protocol in place to detect fraud; however, it is incidental but is not "necessary" to process an Absentee Ballot. Therefore, IP addresses are not exempt pursuant to Section 101.62 of the Florida Statutes.

I welcome the opportunity to discuss any concerns you have.

c: R. A. Cuevas, Jr., County Attorney
Alina T. Hudak, Deputy Mayor and Interim Director of Public Works and Waste Management
Penelope Townsley, Supervisor of Elections

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MEMORANDUM
COMMISSIONER XAVIER L. SUAREZ

111 NW First Street, Suite 220 Miami, Florida 33128 Tel. (305) 375-5680 Fax (305) 372-6103

TO: Carlos A. Gimenez
Mayor

DATE: January 6, 2014

FROM: Xavier L. Suarez
Commissioner, District 7

RE: Absentee Ballot Requests

I have noted the efforts of certain members of the media to obtain records of IP addresses from which multiple absentee ballot requests have been made. I have reviewed legal opinions received from the Governor's Office, and also discussed it with the County Attorney. My view of this is as follows:

- Any IP address that is used to request multiple absentee ballots is information that should be made available to media and the general public, both in the interests of transparency and of electoral integrity.
- Rather than having this matter being placed for discussion before the entire Board of County Commissioners, I submit that you can resolve it by executive action and, thus, avoid what could be a convoluted public discussion on, what is admittedly, a very complicated legal issue.

Sincerely,

Xavier L. Suarez
Commissioner, District 7